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## Public Safety Committee

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### SB 5336

**Brief Description:** Criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents.

**Sponsors:** Senators Miloscia, Hunt, Zeiger, Kuderer, Wellman and Fortunato; by request of Secretary of State.

#### Brief Summary of Bill

- Provides that a person is guilty of Malicious Mischief if he or she causes, or creates a substantial risk of, an impairment to a service rendered to the public by damaging, destroying, or removing an official ballot deposit box or ballot drop box, or its contents.
- Raises the penalty for unlawful removal of a ballot from a voting center or ballot drop location from a gross misdemeanor to an unranked class C felony.

**Hearing Date:** 3/21/17

**Staff:** Omeara Harrington (786-7136).

#### Background:

##### Malicious Mischief.

A person who knowingly and maliciously causes damage to the property of another is guilty of Malicious Mischief. The degree of the crime depends on the nature of the harm caused, the type of property involved, and the value of the property destroyed.

A person commits Malicious Mischief in the first degree, a class B felony offense, if he or she knowingly and maliciously:

- damages property with a value of over \$5,000;
- causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle, government property, or a public utility or mode of public transportation, power, or communication; or

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- physically damages or tampers with an aircraft or its parts and impairs its safety, efficiency, or operation.

A person commits Malicious Mischief in the second degree, a class C felony offense, if he or she:

- damages property with a value of over \$750, but not exceeding \$5,000; or
- creates a substantial risk of interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle, government property, or a public utility or mode of public transportation, power, or communication.

Knowingly and maliciously damaging the property of another under circumstances not amounting to first or second degree Malicious Mischief, and graffiti, qualifies as Malicious Mischief in the third degree.

#### Unlawful Removal of a Ballot.

Any person who, without lawful authority, removes a ballot from a voting center or ballot drop location is guilty of a gross misdemeanor.

#### Criminal Penalties and Sentencing.

Maximum criminal penalties are established in statute as follows:

- For class A felonies, life imprisonment, a fine of up to \$50,000, or both imprisonment and a fine.
- For class B felonies, 10 years imprisonment, a fine of \$20,000, or both imprisonment and a fine.
- For class C felonies, five years imprisonment, a fine of \$10,000, or both imprisonment and a fine.
- For gross misdemeanors, 364 days, a fine of \$5,000, or both imprisonment and a fine.
- For misdemeanors, 90 days, a fine of \$1,000, or both imprisonment and a fine.

When a person is convicted of a ranked felony, the Sentencing Reform Act (SRA) applies and determines a specific sentence range within the statutory maximum. Sentence ranges are calculated using both a statutory severity designation for the offense, or its "seriousness level," and the convicted person's "offender score," which is based on the offender's criminal history. If a felony offense does not have a designated seriousness level under the SRA, the maximum period of confinement is one year regardless of the class of felony. These offenses are referred to as unranked felonies.

#### **Summary of Bill:**

##### Malicious Mischief.

A person is guilty of Malicious Mischief in the first degree if he or she causes an interruption or impairment of service rendered to the public by physically damaging, destroying, or removing without permission, an official ballot deposit box or ballot drop box, or damaging, destroying, removing without permission, or tampering with, the ballot box's contents. Creating a substantial risk of interruption or impairment of service through such conduct is a second degree offense.

##### Unlawful Removal of a Ballot.

The penalty for unauthorized removal of a ballot from a voting center or ballot drop box location is elevated from a gross misdemeanor to an unranked class C felony.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.